

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES PHILLIP DOUGLAS,

Petitioner,

v.

ROBERT S. MASKO,

Respondent.

No. C09-5439 RJB/KLS

ORDER RE-NOTING MOTION FOR
SUMMARY JUDGMENT

Presently before the Court is the motion of Petitioner James Phillip Douglas for a “Habeas Corpus Summary Judgment.” Dkt. 18. Mr. Douglas filed his Amended Petition on November 27, 2009. Dkt. 12. The court directed service of the petition on Respondent on December 2, 2009. Dkt. 13. Respondent received the petition on December 7, 2009. Dkt. 14. In accordance with Rule 5 of the Rules Governing § 2254 Cases, Respondent is to file and serve an answer within forty-five days after such service. *Id.* Under separate Order, the court has directed Respondent to file and serve his answer on or before May 7, 2010. Thereafter, Petitioner will have an opportunity to respond to the answer and Respondent will have an opportunity to reply. Thus, the petition will not be considered by the court prior to June 4, 2010, and Petitioner’s motion shall be considered by the court at the same time.

Accordingly, it is **ORDERED**:

1 (1) The Clerk is directed to **re-note** Petitioner's motion for summary judgment (Dkt.
2 18) for **June 4, 2010**.

3 (2) The Clerk shall send copies of this Order to Petitioner and counsel for
4 Respondent.

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6 DATED this 23rd day of April, 2010.
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10 Karen L. Strombom
11 United States Magistrate Judge
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